

REMARKS

Claims 1 to 15 are pending in the present application and have been examined on their merits.

Claims 1 to 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over d'Eon *et al.* (U.S. Pat. No. 6,006,197) in view of Koeppel *et al.* (U.S. Pat. No. 6,477,575) and further in view of Cannon (U.S. Pat. No. 6,286,055). Claims 1-15 are also rejected under 35 U.S.C. §112 for lack of support in the specification. These rejections are in error.

The Rejection under 35 U.S.C. §103(a). On December 12, 2006 the Applicant submitted by facsimile an Applicant Initiated Interview Request Form (PTOL-413A), a Transmittal Form (PTO/SB/21) and a Certificate of Transmission under 37 CFT 1.8. A subsequent telephone call to the Examiner indicated that it was not the policy of the Examiner's Art Unit to permit Interviews after a Final Rejection.

Enclosed with this response are Declarations under 37 C.F.R. §1.131 of Dane Hulquist, Brian F. Monahan, and Thomas J. Monahan directed toward antedating the Koeppel *et al.* patent. The Declaration of the inventor, Brian F. Monahan, states that he conceived of the invention before September 12, 2000, the filing date of the Koeppel *et al.* patent and that diligence was shown up until actual or constructive reduction to practice. The Declaration of Dane Hulquist corroborates the Declaration of the inventor. The Declaration of Thomas J. Monahan submits written proof that the invention was known to the attorney of record prior to the date of filing of the application thereby corroborating a component of the inventor's diligence requirement. Accordingly, the Koeppel *et al.* reference should be disqualified and therefore the entire art combination rejection under 35 U.S.C. §103(a) should be reconsidered and removed.

The Rejection under 35 U.S.C. §112. This rejection was newly introduced by the Examiner in the Final Rejection along with the Cannon patent (U.S. Pat. No. 6,286,005) that is an element of the art rejection noted above under 35 U.S.C. §103(a). The rejection under 35 U.S.C. §112 is in error.

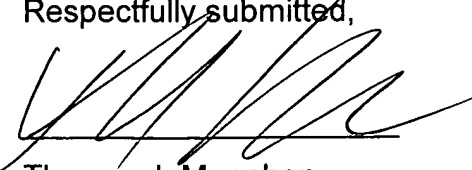
The Examiner notes in the Final Rejection that the specification lists several marketing communications efforts, but does not disclose selecting two or more to process marketing communications activity. To the contrary, there are numerous references to use of multi-channel marketing communications in the specification. The present invention presents a unified system for tracking, evaluating, constantly updating and reacting on an ongoing basis to multiple media advertising types (each of which is an individual “silo” with a novel single “Dashboard” or reporting interface : (“...marketing of any convenient type may be implemented by any convenient means known to the art”, p, 9, line 7; “historical marketing efforts of the client should be identified ...magazine, newspaper, radio, television, web site...”, page 5, lines 2-4) , gathering performance data (“ Any of the wide variety of marketing communications may be utilized and data collected by any convenient means, including manual , visual, electronic , telephonic, or any electromagnetic-based monitoring means ...”, p. 9, line 10 et seq.), processing performance data (i.e.,... the processed performance data of all marketing communications activity or investments are evaluated relative to the performance of the expected contribution of marketing communications to the business objectives or goals...” p. 9, lines 16-18), and reacting to the evaluation on an ongoing basis (... “Marketing activity for any given communication may be increased, decreased, canceled, or left unchanged. New modes of marketing communication may be implemented at any suitable time.”, page 9, lines 20-22). The specification is replete with teachings of identifying, collecting, processing, evaluating and reacting concurrently and on an ongoing basis with ANY and ALL marketing activities with “varied data sources” (web traffic, store foot traffic, sales data, etc.) presented in a single dashboard or “reporting interface” (c.f., claim 7).

The Applicant provides real-time correlation of multi-channel marketing investments relative to identifiable business objectives (c.f., claim 2; cost/benefit of claim 3). Multiple media types are tracked, measured, and reported in a single dashboard.

The art cited by the Examiner is directed toward dynamic optimization of online messages (d'Eon et al.; Koeppel et al.) and TV (each is an individual "silo"), and not toward Applicant's correlating or optimizing multi-channel marketing investments with business objectives with a unified "dashboard" (reporting interface). When the present application was filed, these types of reporting and optimizing dashboards were not even considered possible.

The Applicant's continuously interactive rapid response marketing system and method for optimizing and unifying a plurality of marketing communications activities is novel and unobvious and claims are supported in the specification. Accordingly, the Applicant requests that the rejections under 35 U.S.C. §103(a) and §112 as applied to pending claims, be appropriately reconsidered and withdrawn. Reconsideration and allowance, being in order, are earnestly solicited.

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